

WASHINGTON, DC – Oversight and Government Reform Committee Ranking Member Darrell Issa today blasted Committee Democrats for stonewalling efforts to question White House officials on record keeping abuses related to the Presidential Records Act and Federal Records Act by using personal e-mail accounts to circumvent rules and e-mail lobbyists. He also praised Information Policy, Census, and National Archives Subcommittee Ranking Member Patrick McHenry (R-NC) for strenuously objecting and demanding a subpoena vote for a White House official to answer questions.

“Ranking Member McHenry was right to hold the majority accountable for trying to give the Obama Administration a free pass on violations of record keeping laws as a result of communicating with lobbyists through personal e-mails,” said Rep. Issa. “Just two years ago, Democrats expressed outrage about Presidential Records Act violations under the Bush Administration while saying they were serious about efforts to address problems. Under the Obama Administration, they now appear more than willing to offer the Obama White House a free pass on violations.”

Rep. McHenry’s subpoena request was defeated by a vote of 4-5. Chairman Lacy Clay (D-MO), Rep. Danny Davis (D-IL), Del. Eleanor Holmes-Norton (D-DC), Rep. Carolyn Maloney (D-NY), and Rep. Steve Driehaus (D-OH) voted to block the testimony of the White House official who had previously been slated to testify.

Rep. McHenry expressed particular disappointment in Rep. Driehaus' late arrival to be the deciding vote against the subpoena. "After Representative Driehaus

' talk about transparency in government, I am disappointed that he was the deciding vote against ensuring that all Obama Administration officials adhere to critical transparency laws already on the books," said Rep. McHenry.

The hearing had previously been scheduled for June 24 where Beth Simone Noveck of the White House Office of Science and Technology Policy had been scheduled to testify. The hearing was postponed and the White House official subsequently dropped after Democrats learned that

[Republicans intended to raise questions about White House violations of the Presidential Records Act](#)

involving communications with lobbyists.

During debate of the subpoena, Chairman Lacy Clay insisted that the White House violations were "old story" and "outside the jurisdiction of this subcommittee" He also insisted the Presidential Records Act did not apply to the Office of Science and Technology Policy.

In the previous Congress, Oversight and Government Reform Committee Chairman Henry Waxman (D-CA) extensively investigated violations of the Presidential Records Act under the Bush administration including the Office of Science and Technology Policy.

44 U.S.C. section 2201 offers the following definition of a Presidential Record:

The term "Presidential records" means documentary materials, or any reasonably segregable portion thereof, created or received by the President, his immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise and assist the President, in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. Such term--

(A) includes any documentary materials relating to the political activities of the President or members of his staff, but only if such activities relate to or have a direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President; but

(B) does not include any documentary materials that are (i) official records of an agency (as defined in section 552(e) of title 5, United States Code; (ii) personal records; (iii) stocks of publications and stationery; or (iv) extra copies of documents produced only for convenience of reference, when such copies are clearly so identified.

According to the [White House](#), the Office of Science and Technology Policy exists within the Executive Office of the President.

"Rep. Clay's refusal to have an official from the White House Office of Science and Technology Policy testify is particularly disappointing considering his previous desire to have the official testify before he recognized the seriousness of the questions she would face," said Rep. Issa. "Violations of the Federal Records Act and Presidential Records Act need to be taken seriously."

Click [here](#) for Ranking Member Patrick McHenry's written statement calling for a subpoena vote.

Click [here](#) to watch Ranking Member McHenry's call for a subpoena at 2:30 and [here](#) to watch the vote after Chairman Clay reconvened the hearing at 3:00.

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